

FILED

JAN 16 2024

Clerk, U.S. District Court
District of Montana - Billings

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

IN THE MATTER OF THE
SEARCH OF:

MJ 24-02-GF-TJC

102 McConnell Street, Hays,
Montana 59527.

**AFFIDAVIT IN SUPPORT OF
APPLICATION FOR SEARCH WARRANT**

I, John Murphy, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and am currently assigned to the Havre Resident Agency in Havre, Montana. I have been a special agent since February of 2023, and I have been trained in conducting murder investigations, including domestic violence on the reservations. My primary area of responsibility is conducting violent crime investigations on the Fort Belknap Indian Reservation.

2. I am assigned to the investigation in this affidavit, and the information contained in this affidavit is based on my own observations, training, and experience and, where noted, information provided to me by other law enforcement officers. I have not included all the facts known to me, but rather only those facts necessary to establish probable cause.

3. This affidavit is in support of a search warrant application for the following location in connection with a murder investigation.

PROPERTY TO BE SEARCHED

4. This affidavit is made in support of an application for a search warrant to search the following location:

A residence located at 102 McConnell Street, Hays, Montana, 59527 (“Subject Residence”).

PROBABLE CAUSE

5. On January 13, 2024, at approximately 4:52 a.m., Fort Belknap Officer Cole Azure responded to a dispatch call of an altercation at 102 McConnell Street, Hays, Montana, 59527. This is located within the exterior boundaries of the Fort Belknap Indian Reservation.

6. Officer Azure responded to the scene because Charles Mathew Werk called 911. When interviewed later by the FBI, Charles Werk said he was drinking with Tony Lee Sears and another person at Zortmans, which is a local bar. Charles Werk explained that he and Sears ultimately left Zortmans, and Charles Werk dropped off Sears at the Subject Residence.

7. After dropping off Sears at the Subject Residence, Charles Werk said he picked up Jane Doe,¹ and they both returned to the Subject Residence.

¹ The name and identity of the victim is known to law enforcement, but for privacy she will be referred to as Jane Doe in this affidavit.

8. According to Charles Werk, he, Jane Doe, and Tony Sears drank outside the Subject Residence. They all ultimately went inside the Subject residence, and Charles Werk said Jane Doe and Tony Sears began to argue. Charles Werk explained he was unsure about the nature of the argument.

9. Charles Werk then explained he personally observed Tony Sears stand up, grab a knife, tackle Jane Doe, and begin to stab her with the knife while in the Subject Residence. At that point, Charles Werk called 911 and reported the assault.

10. Officer Cole Azure arrived at the Subject Residence after responding to the 911 phone call. Charles Werk opened the door to the Subject Residence for Officer Azure to enter. Officer Azure saw Jane Doe's body on the floor, and Charles Werk pointed in the direction where Tony Sears was located. Officer Azure arrested Tony Sears. EMS arrived on scene shortly thereafter to administer treatment to Jane Doe, and they confirmed Jane Doe was dead.

11. Both Jane Doe and Tony Sears are enrolled members of the Fort Belknap Indian Community of the Fort Belknap Reservation, which is a federally recognized Tribe. All of the above events occurred on the Fort Belknap Indian Reservation.

AUTHORIZATION REQUEST

12. Based on the foregoing, Affiant submits that there is probable cause to search the premises referenced above in Paragraph 4 and below in Attachment A, for the items referenced in Attachment B. Your affiant believes probable cause exists to establish Second Degree Murder, in violation of 18 U.S.C. §§ 1153(a), 1111, and Assault with a Dangerous Weapon, in violation of 18 U.S.C. §§ 1153(a) and 113(a)(3).

Respectfully submitted,

SA John Murphy
John Murphy
Special Agent
Federal Bureau of Investigation

SUBSCRIBED and SWORN to before me consistent with Fed. R. Crim. P. 4.1 on this 13th day of January, 2024.



TIMOTHY J. CAVAN
United States Magistrate Judge